

100-00 CONSENT AND CONFIDENTIALITY RIGHTS OF MINORS

PURPOSE

To protect the confidentiality rights of minors participating in California Home Visiting Program (CHVP) services.

POLICY

The local CHVP staff must follow all California state laws and regulations pertaining to minor consent for services, release of information and parental notification.

AUTHORITY

California Family Code §§ 6924-6929, California Health and Safety Code §§ 123110, 123115, 124260; California Civil Code §§ 56.10, 56.11; 56.30; California Business and Professional Code §2397.

PROCEDURE

The local CHVP staff must use the following table and resources as a guide to the California consent and confidentiality rights of minors:

CALIFORNIA MINOR CONSENT LAWS

Below are services minors may consent to without parent/guardian permission

Services	Can provider notify parents or guardian?
Birth Control (except sterilization)	Only when minor (any age) allows consent
Pregnancy (prevention, diagnosis and treatment) <i>including inpatient care</i>	Only when minor (any age) allows consent
Abortion	Only when minor (any age) allows consent
STDs including HIV (prevention, diagnosis and treatment)	Only when minor (12 years or older) allows consent
Sexual Assault/Rape Services and Care	Yes, under most circumstances, care providers must attempt to contact the minor's parent/guardian. ^{1,2}

¹ The law allows for some exceptions to parental notification, which includes suspecting the parent of assault and certain cases of rape.

² Sexual assault requires a child abuse report, in which case youth should be advised that parents may be notified by law enforcement or child protective services.

Services	Can provider notify parents or guardian?
Drug and Alcohol Abuse Treatment	For minors (12 years or older) it depends on confidentiality rules under federal and state law. Providers must determine and follow the rules appropriate to their circumstance. ^{3,4}
Outpatient Mental Health Services	Yes, under most circumstances, care providers must attempt to contact the minor's parent/guardian. ^{5,6}

REFERENCES

[CDPH Statement on Minor Consent for STD Prevention Services](#)

³ Parent/guardian can consent over the minor's objection.

⁴ Parent/guardian's consent is required for methadone treatment.

⁵ In the opinion of the provider, the minor must be "mature" enough to participate intelligently.

⁶ For services provided under new minor consent law, Health and Safety Code 124260, enacted 1/1/11, providers must consult with the minor before deciding whether to involve parents.